WP(C) 3525/2001
BEFORE
THE HON'BLE MR. JUSTICE H.N. SARMA

Challenging the legality and validity of the impugned and order dated 21-1-2000 passed in Original Application No. 207/2000 by the Central Administrative Tribunal, Guwahati Bench, the Employee's Provident Fund Staff Union has filed W.P.(C) No. 5966/2001. Similarly against the said order the Central Board of Trustees Employees' Provident Fund has also challenged the impugned order passed in W.P.(C) No. 3525/2001. Both the writ petitions having been filed against the common impugned order are taken for disposal as agreed to by the learned counsel for the parties.

We have heard the learned Counsels for the parties.

The Employee's Provident Fund Staff Union(E.P.F. Orgn.) serving as group C and D employees under the Regional Provident Fund Commissioner and members of the Association claims that they are entitled for special duty allowances (SDA) in terms of the settlement arrived at between the Management of Employees' Provident Fund Organisation and its employees represented by the Staff Union which was arrived at after completing necessary conciliation proceeding under Section 12(3) and Section 12(3) which is a \settlement\ within the meaning of Section 2(p) read with Section 18(3) of the Industrial Dispute Act. In terms of the settlement, though the employees of the Regional Provident Fund Commissioner are entitled to get the special duty allowances (SDA) whereas the same is denied by the management. Accordingly they approached the CAT by filing O.A. No. 207/2000. After hearing the concerned parties the learned Tribunal vide impugned order dated 21-12-2000 passed in the said O.A. 207/2000 disposed of the case with the following directions -

\For the aforesaid reasons the aforesaid communications cannot be held as lawful and accordingly those are set aside and the respondents are directed to take a decision as per the terms of the settlement. Till such a decision is taken the respondents shall have to comply with the second part of the settlement for payment of SDA, subject to the undertaking that it would be refunded by the employees as per direction of the Ministry of Finance. Till completion of the above exercise, the respondents shall not make any recovery of the SDA so far paid.

The application is accordingly disposed of. No order as to costs.\

The said judgment and order passed by the learned Tribunal is challenged in this writ petition.

A bare perusal of the impugned judgment discloses that the Tribunal directed the respondent authorities to take a fresh decision so far the claim of the entitlement of employees of the Regional Provident Fund Commissioner is concerned. Although the said order was passed on 21-12-2000, the same has not yet been given effect to due to the intervention of this Court. This Court while admitting the writ petition vide order dated 24.8.2001 passed the following interim order :

\In the interim, operation of the order dated 21.12.2000 (Annexure - 1) passed by the Central Administrative Tribunal, Guwahati Bench at Guwahati in Original Application No. 207/2000 shall stand suspended. It is needless to say that no recovery shall be made by the authority.\

No doubt in terms of the order of the learned Tribunal the ultimate decision is to be taken by the respondent authorities but the same has not yet been done as stated above.

In view of the aforesaid facts situation, we are inclined to dispose of these two writ petitions with the direction that within a period of 75(seventy five) days from the date of receipt of this order the respondent authorities shall take necessary decision in terms of the aforesaid order of the Tribunal and co

mmunicate the same to the Union who would also be entitled to represent their ca se before the respondent authorities. The decision so taken be communicated to t he Union by registered post. Till such decision is taken the respondents shall n ot make any recovery of the SDA from the members of the Union, nor the responden ts would be bound to make such payment as directed by the Tribunal. It is needle ss to say that any of the parties, if aggrieved, by the decision to be taken by the concerned authorities, would be entitled to question the same before the app ropriate forum.

With the aforesaid directions and observations both these writ petit ions stands closed.